

IN THE MATTER OF: :
 :
Event: CODE :
(Social Dance) : Fact Finding
2120 West Virginia Avenue: Hearing
NW :
 :
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May 27, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member
MIKE SILVERSTEIN, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 11:36 a.m.

3 CHAIR MILLER: Okay. Good morning.

4 The Board's back on the record. We had an 11
5 o'clock hearing scheduled for CODE. Parties
6 weren't here at 11:00 so the Board went into
7 executive session and did some other business,
8 and now I understand 11:30 people are here as
9 well for their hearing and we're awaiting a Board
10 Member for that 11:30 hearing, so we're going to
11 go forward with the 11 o'clock hearing.

12 So that is a fact-finding hearing for
13 CODE and the Applicant is Mr. Morgan Slusher?

14 MR. SLUSHER: Slusher.

15 CHAIR MILLER: Okay. So why don't we

16 --

17 MEMBER SILVERSTEIN: May I ask the
18 Applicants why they were late? It's 90 degrees
19 in here. Our AC is out.

20 MR. SLUSHER: We were told 11:30.

21 MEMBER SILVERSTEIN: Oh, okay. Fine.

22 CHAIR MILLER: That's a good reason.

1 MEMBER SILVERSTEIN: That's a very
2 good reason.

3 MR. SLUSHER: And everyone was here by
4 11:30.

5 MEMBER SILVERSTEIN: We're having to
6 let our staff go.

7 MR. SLUSHER: Our notice was 11:30.

8 MEMBER SILVERSTEIN: Your notice then,
9 okay.

10 CHAIR MILLER: Okay.

11 CHAIR MILLER: So let me just start
12 with getting your all's names and positions on
13 the record. Can we start with you, sir?

14 MR. SLUSHER: I'm Morgan Slusher. I
15 am the Applicant and I am one of the organizers
16 for this.

17 CHAIR MILLER: Okay.

18 MR. KADLICK: My name is Paul Kadlick
19 and I represent the building owner.

20 CHAIR MILLER: Okay.

21 MR. D'ANGELO: Giovanni D'Angelo. I'm
22 a bar manager for CODE events.

1 MR. MERRILL: David Merrill, I'm one
2 of the other organizers.

3 CHAIR MILLER: You're one of the other
4 what?

5 MR. MERRILL: Organizer.

6 CHAIR MILLER: Okay. Organizer. All
7 right. And our investigator's here?

8 INVESTIGATOR GHENENE: Investigator
9 Ghenene with ABRA.

10 CHAIR MILLER: Okay. And I just want
11 to say that if there's any question, this is what
12 we call a fact-finding hearing. It's not an
13 evidentiary hearing. We're not putting anybody
14 under oath. We're not really gathering evidence,
15 or any violations, or anything like that at this
16 point. We are exploring what exactly your events
17 are about and one of the issues is that you seem
18 to have a lot of temporary events.

19 And the question may arise that if it
20 comes to a point where there's so many temporary
21 events that you might need a regular license, but
22 we'll see, you know, what we hear today. Mr.

1 Ghenene, would you like to start?

2 INVESTIGATOR GHENENE: It's at your
3 pleasure?

4 CHAIR MILLER: Okay. Yes. I think
5 that would be good if you're ready.

6 INVESTIGATOR GHENENE: I just had a
7 couple of, just, questions for the gentleman
8 representing the property owner.

9 CHAIR MILLER: Okay.

10 INVESTIGATOR GHENENE: And I wanted to
11 know, over the last, maybe, year or two,
12 something like that, have you guys had events
13 where alcohol was served and sold?

14 MR. KADLICK: No.

15 INVESTIGATOR GHENENE: You have not?

16 MR. KADLICK: Other than a CODE event,
17 that particular building owner and address has
18 never sought an alcohol beverage license.

19 INVESTIGATOR GHENENE: Okay. Are you
20 saying the same thing is that alcohol has not
21 been served or sold there?

22 MR. KADLICK: That's correct.

1 INVESTIGATOR GHENENE: Okay.

2 MEMBER ALBERTI: He's saying, I think,
3 other than these temporary licensed events.

4 MR. KADLICK: Yes.

5 INVESTIGATOR GHENENE: Sure.

6 MEMBER ALBERTI: Okay. So we all
7 understand.

8 MR. KADLICK: And just to speak, these
9 gentlemen lost their venue. It's kind of to
10 indirectly address what your reference was, they
11 seek a number of events, they had a permanent
12 venue that they were doing this event at for a
13 long period of time, and that gentleman lost his
14 lease, and so they needed to find a new venue.
15 They approached the building owner and that's
16 why.

17 So although it's a regular event to
18 them, it's a new event to this location and
19 that's why there's been repeated applications for
20 these monthly events.

21 MEMBER SHORT: What was the past
22 address of the -- past address?

1 MR. KADLICK: I do not know. It had
2 nothing to do with me. They may know.

3 INVESTIGATOR GHENENE: 16 M Street,
4 NE.

5 MEMBER SHORT: Okay.

6 MEMBER ALBERTI: So this was under a
7 different name there.

8 INVESTIGATOR GHENENE: Well, I believe
9 it's a -- you can have them -- I don't believe
10 that the other --

11 MEMBER ALBERTI: Well, I'll ask my
12 questions later. Go ahead.

13 INVESTIGATOR GHENENE: Sure. And just
14 another question to the gentleman representing
15 the property owner. Have you guys ever done
16 party-type things there before?

17 MR. KADLICK: Yes, I mean -- yes.
18 It's a building that is open 24 hours a day.

19 INVESTIGATOR GHENENE: Okay. So are
20 you primarily a venue that holds nightclub-type
21 activities?

22 MR. KADLICK: No, not at all. It

1 doesn't mirror a nightclub at all.

2 INVESTIGATOR GHENENE: So how
3 frequently would you say you do nightclub-type
4 events?

5 MR. KADLICK: When these gentlemen are
6 there. I think that there's one other group
7 that's approached recently and asked about it,
8 and they're starting to do, maybe, one every
9 Sunday also, but I don't even know that that's
10 been contracted.

11 INVESTIGATOR GHENENE: Okay. So it's
12 just this group?

13 MR. KADLICK: This group.

14 INVESTIGATOR GHENENE: That's seeking
15 to do it or has been doing it?

16 MR. KADLICK: Has been doing it.

17 INVESTIGATOR GHENENE: Has been doing
18 it.

19 MR. KADLICK: Has been doing it since
20 late fall. Yes.

21 INVESTIGATOR GHENENE: So since late
22 fall.

1 MR. KADLICK: October.

2 INVESTIGATOR GHENENE: October. You
3 guys have been doing it?

4 MR. KADLICK: And it would be even
5 incorrect to characterize this as a nightclub as
6 much as it's a club that also serves alcohol.
7 It's not the concept of a nightclub. You know,
8 it has music and gentlemen, but it's not really a
9 nightclub.

10 INVESTIGATOR GHENENE: So since fall,
11 you guys have been -- this group's been in there
12 and you guys have been serving alcohol?

13 MR. KADLICK: Just on those nights,
14 yes.

15 INVESTIGATOR GHENENE: Just on those
16 nights. Okay. That's fair.

17 MEMBER ALBERTI: Do you have any
18 observations of -- can we come back to
19 Investigator Ghenene?

20 CHAIR MILLER: Sure. Yes.

21 MEMBER ALBERTI: All right. Thank
22 you.

1 MEMBER SHORT: I have a question of
2 Investigator Ghenene.

3 CHAIR MILLER: Oh, okay.

4 MEMBER SHORT: What is the capacity of
5 this place or does it have placards?

6 INVESTIGATOR GHENENE: I believe the
7 C of O's in there.

8 MEMBER SHORT: Yes, the C of O that we
9 have as part of the application doesn't give a
10 capacity.

11 INVESTIGATOR GHENENE: It doesn't have
12 an occupancy load there.

13 MEMBER SHORT: Okay. What I'm saying
14 is, if it's a very big place, what is a safe
15 number to have there? What is a safe number?

16 MR. KADLICK: A lot more than what
17 comes.

18 MR. SLUSHER: Probably 500 or 600.

19 MEMBER SHORT: The reason why the city
20 -- forgive me. The reason why the city has
21 occupancy loads is to keep from something very
22 dangerous happening, and if this event having

1 some -- supposedly having something every Sunday,
2 I just heard you mention that, and we get these
3 one day every so often with this, you need to
4 have a regular C of O that will allow you to have
5 a number place to protect yourself and our city.

6 MR. KADLICK: I respect that and while
7 I can't speak to the actual number, it's
8 substantial, and it's nowhere near occupancy.
9 This is a very large building.

10 MEMBER ALBERTI: So may I interject
11 here, just as a solution, I'm concerned,
12 regardless of what we do with respect to this
13 temporary license, irregardless of what we do
14 forward, that if you're going to have any kind of
15 a license from the agency that you have a C of O
16 that has an occupancy number on it.

17 MEMBER SHORT: Thank you.

18 MEMBER ALBERTI: You do not. And I am
19 going to recommend to this Board and I'm not sure
20 that the Board will fully agree, but my
21 recommendation to the Board is that we not issue
22 anymore licenses until we have in our possession

1 a C of O with an occupancy number on it, which is
2 easy enough. You go back to DCRA and you do what
3 you should have gotten in the first place, is a C
4 of O that's complete. And I don't think that
5 that is unreasonable.

6 MR. KADLICK: The building has a CO.

7 MEMBER ALBERTI: It does have a CO.
8 I've seen it. It's in your application. It
9 doesn't have an occupancy number on it. That's
10 my problem. It does not have an occupancy on it.
11 You can take a look at it if you choose to. If
12 I'm wrong, you can show me the occupancy number,
13 but my recommendation to this Board is that it
14 have an occupancy number. It's very simple.

15 Just like we require from every other
16 licensee.

17 MR. KADLICK: And again, I respect
18 that. I was just asked to come to this meeting
19 at the least minute.

20 MEMBER ALBERTI: No, I understand.

21 MR. KADLICK: But I would further
22 state, I guess the issue is, I have no problem

1 complying, certainly, with your recommendation,
2 Mr. Alberti. I don't know that they can do this
3 in time for their event on Saturday, so that
4 might effect that.

5 MEMBER ALBERTI: All right.

6 MR. KADLICK: I can get it resolved by
7 30 days or 15 days.

8 MEMBER ALBERTI: Personally, I'm
9 willing to talk about that.

10 MR. KADLICK: Okay.

11 MEMBER ALBERTI: I'm willing to talk
12 about that.

13 MR. KADLICK: That's the only thing
14 I'm concerned about from my perspective is that -
15 -

16 MEMBER ALBERTI: Let's get some more
17 information now.

18 MR. KADLICK: -- I'm just surprised it
19 doesn't have an occupancy load.

20 MEMBER ALBERTI: Right.

21 MR. KADLICK: Because it will qualify
22 for probably somewhere around 899, having done

1 this on a number of occasions.

2 MEMBER ALBERTI: I got it. I know.

3 MR. KADLICK: Yes, it's a huge
4 building.

5 MEMBER ALBERTI: You know, we see them
6 all the time. I got you.

7 MR. KADLICK: No, I understand.

8 MEMBER ALBERTI: But it bothers me
9 when --

10 MR. KADLICK: I appreciate that.

11 MEMBER ALBERTI: Because when our
12 investigators go out there, they have no idea
13 what to expect and that's not --

14 MR. KADLICK: Not only is it a 12,000
15 square foot building, it's got ample lavatories,
16 ample egresses and ingresses, so, you know, I'm
17 sure it'll have a high load.

18 MEMBER ALBERTI: I have no doubt.

19 MR. KADLICK: And I will get you one.

20 MEMBER ALBERTI: No doubt.

21 MR. KADLICK: I will. I'll pursue
22 that myself.

1 MEMBER ALBERTI: All right.

2 MEMBER SHORT: Thank you. Thank you
3 very much, Mr. Alberti.

4 CHAIR MILLER: Okay. So I think we're
5 going to turn to you all and, you know, we can
6 ask you some questions or you can, you know,
7 present your case, but I think one of the issues,
8 I think you started to address, I think that is
9 of concern is, you know, why these operations may
10 or may not be like a nightclub.

11 MEMBER ALBERTI: Okay. So, Madam
12 Chair, I think we've kind of put them in a very
13 precarious spot. I'm not sure if they know how
14 to respond. Would you like --

15 CHAIR MILLER: They can respond.

16 MEMBER ALBERTI: Would you feel more
17 comfortable if we started asking questions so
18 that you understand what our concerns are?

19 CHAIR MILLER: That was a question.
20 That was my question.

21 MEMBER ALBERTI: Yes, because you're
22 asking them to speak and I'm not sure that they

1 even know what our concern --

2 CHAIR MILLER: I asked a question
3 about what came up with Mr. Ghenene was whether
4 or not --

5 MEMBER ALBERTI: You're in charge. Go
6 ahead.

7 CHAIR MILLER: -- their activities
8 were like a nightclub and you said, oh, no, no,
9 they're nothing like a nightclub.

10 MR. MERRILL: I'm not sure that
11 legally it would be constituted a nightclub.

12 CHAIR MILLER: Okay.

13 MR. MERRILL: But I can tell you we
14 have no light show, we have no dance floor, no
15 dancing. We have dancing.

16 CHAIR MILLER: Wait. I can't --

17 MR. MERRILL: I'm sorry. I don't know
18 that legally it would constitute a nightclub.

19 CHAIR MILLER: Okay.

20 MR. MERRILL: But, you know, I've gone
21 to nightclubs. We have no lights, no dance
22 floor, no entertainment. We have people come in

1 and order cocktails, stand around, and talk. We
2 have music, but it's relatively low. It's a
3 social event. It's not a -- and our clientele,
4 they're 30-something, 40-something year old
5 middle-aged gay men. I don't know what legally
6 constitutes a nightclub, but it certainly doesn't
7 feel like a nightclub to me.

8 CHAIR MILLER: Okay. Are all your
9 events the same type?

10 MR. MERRILL: The same?

11 CHAIR MILLER: The same type.

12 MR. MERRILL: Yes.

13 CHAIR MILLER: And how many people do
14 you normally get at these events?

15 MR. MERRILL: About 200, give or take.

16 CHAIR MILLER: Okay. I'm going to --
17 do you have a question, Mr. Silverstein?

18 MEMBER SILVERSTEIN: I think there are
19 two issues here that are a concern to us. One of
20 which is, Mr. Short, as you probably know, is a
21 Deputy Fire Chief and he probably remembers the
22 tragic events in, I think it was, 1977, involving

1 a fire involving a place that was not unlike this
2 that involved fatalities.

3 Our concern is not the events going on
4 there, our concern is that it be safe in the
5 event something serious occurs. The other matter
6 is, you had a licensed establishment previously
7 handling these matters --

8 MEMBER ALBERTI: No, they do not.

9 MEMBER SILVERSTEIN: Did they not have
10 a license at the old place?

11 MEMBER ALBERTI: It appears that
12 that's not true and I was going to get to that in
13 my question.

14 MEMBER SILVERSTEIN: What is to stop
15 them from having a licensed --

16 MEMBER ALBERTI: Can I clear that up?

17 MEMBER SILVERSTEIN: Yes.

18 MEMBER ALBERTI: Okay. So your
19 previous establishment was at 16 M Street or your
20 previous set of events were at 16 M Street, is
21 that correct?

22 MR. SLUSHER: Yes, for a period of

1 time.

2 MEMBER ALBERTI: For a period of time.
3 I'm going to get back to it soon, but I want to
4 clear the air. So those were all done under
5 temporary licenses? Okay.

6 MR. KADLICK: One caveat, Mr. Alberti,
7 they were done under temporary licenses, but they
8 were not these guys' temporary licenses. It was
9 the tenant's temporary license who ran other
10 events there on a regular basis. In other words,
11 they were not the applicants in that
12 circumstance.

13 MEMBER ALBERTI: Oh, but they took
14 advantage of some of those temporary permissions.

15 MR. KADLICK: That's right. I just
16 want clarity.

17 MEMBER ALBERTI: Not strictly --

18 MR. KADLICK: That's correct, they
19 weren't the applicants in that instance. They
20 just ran their venue under someone else's.

21 MEMBER ALBERTI: That's interesting to
22 know.

1 MR. KADLICK: No, I'm just making that
2 observation for clarity.

3 MEMBER ALBERTI: But I just wanted Mr.
4 Silverstein to understand.

5 MR. KADLICK: Okay. I'm just trying
6 to help.

7 MEMBER SILVERSTEIN: Thank you for
8 clearing that matter up. Is there anything to
9 stop you from applying for having the property
10 owner from applying for a license so that these
11 events can take place and that they can take
12 place under the same rules as --

13 MR. KADLICK: I can speak to that too,
14 Mr. Silverstein.

15 MEMBER SILVERSTEIN: Go ahead, Mr.
16 Kadlick.

17 MR. KADLICK: Mr. Siegel is a previous
18 licensee in the District of Columbia over a
19 number of years. He has talked on and off about
20 possibly making an application for permanent
21 license. It's not the nature of his business.
22 So I mean, he has talked to me casually about it

1 and he's talk to me even more serious about it,
2 but I will speak to him again about it, letting
3 him know, you know, what your questions were, but
4 I don't believe it's his intent at this time to
5 do that, but I don't know that he can't be
6 influenced to do that.

7 These guys needed a place to run their
8 venue, they approached him, they said they would
9 accept responsibility for being an alcohol
10 applicant, and we went through what that would
11 require on his part. This is a heavily-secured,
12 heavily-cameraed building, I mean, you know,
13 everything's in order of the things that I know
14 you guys are concerned with, but I don't know
15 that he has that intent or not. I'll certainly
16 ask him.

17 MEMBER SILVERSTEIN: No, I mean, my
18 concern here is that we not have a precedent set
19 here where anybody who wants to can simply week
20 after week or over long periods of time do these
21 one days, while others have to go through the
22 licensing procedure. And we've not set a

1 specific limit on the number of one days you can
2 have, but we want some degree of predictability
3 and some degree of regularity to this.

4 MR. KADLICK: I respect that. I mean,
5 that makes sense too.

6 MEMBER SILVERSTEIN: Does everybody
7 understand, you know, where at least this Board
8 Member's coming from? The safety issues must be
9 absolutely addressed and we don't want people
10 running, whether it's a nightclub or whatever,
11 these types of things on a one-off basis week
12 after week after week, and that's at least my
13 concern.

14 CHAIR MILLER: Thank you. And I want
15 to welcome Mr. Jones to the dais.

16 MEMBER JONES: Thank you, Madam Chair.

17 CHAIR MILLER: And, Mr. Alberti, did
18 you have some questions?

19 MEMBER ALBERTI: I actually have a
20 number of questions. I want to get to some facts
21 before we had a --

22 CHAIR MILLER: Is your microphone on?

1 MEMBER ALBERTI: I'd like to get out
2 some facts and understand the operation before I
3 make any recommendations or decisions here. So
4 it's come to light that you guys did similar
5 events at another venue at 16 M Street, is that
6 correct? All right. So how long was that going
7 on? I mean, how often were you -- for what
8 period of time were you holding events there?

9 MR. SLUSHER: A year or two.

10 MEMBER ALBERTI: A year or two?

11 MR. SLUSHER: Yes.

12 MEMBER ALBERTI: Okay. I kind of
13 remember seeing lots of one days for that
14 establishment. All right. How often did you run
15 your events there?

16 MR. SLUSHER: Monthly.

17 MEMBER ALBERTI: Pardon?

18 MR. SLUSHER: Monthly.

19 MEMBER ALBERTI: Monthly. Okay. I
20 mean, I think you get the idea that you're here
21 because we're seeing regular events and it looks
22 to me like, currently, it's, like, almost every

1 two weeks you're doing them currently, is that
2 correct? You've kind of gotten up to --

3 MR. KADLICK: It had success at this
4 venue and they asked if they could do it twice a
5 month starting in June.

6 MEMBER ALBERTI: Okay. I just want to
7 establish that.

8 MR. KADLICK: So the first month they
9 --

10 MEMBER ALBERTI: All right. So that's
11 partly why it kind of came to our attention, so
12 it's not just once a month, you know, it's every
13 two weeks, you know, it's pretty regular, it's
14 pretty often, so that's why --

15 MR. KADLICK: It has been once a
16 month.

17 MEMBER ALBERTI: -- you ended up here.

18 MR. SLUSHER: I don't think it will go
19 anymore frequent than that. If you're worried
20 about it going to weekly or something like that,
21 I mean, this is a volunteer thing for us. We're
22 not --

1 MEMBER ALBERTI: Okay. So you
2 advertise publicly, right?

3 MR. SLUSHER: Social media.

4 MEMBER ALBERTI: It's on the Web site.
5 I mean, I can get your Web site. I've seen your
6 Web site. It's out there, right? It's open to
7 the public? All right. Is there a cover charge?
8 Okay. And what's the cover charge, generally?

9 MR. SLUSHER: \$20.

10 MEMBER ALBERTI: \$20. All right. Is
11 it a cash bar?

12 MR. SLUSHER: Cash bar.

13 MEMBER ALBERTI: Is that what it is?
14 All right. So you talked about entertainment or
15 lack of entertainment, so there is -- so you want
16 to talk about music, entertainment, if there is
17 any? Can you go through that again, if you
18 would?

19 MR. MERRILL: We have a DJ playing
20 recorded music.

21 MEMBER ALBERTI: You have a DJ playing
22 recorded music.

1 MR. MERRILL: Yes, DJ playing recorded
2 music.

3 MEMBER ALBERTI: All right. Can I
4 ask, I'm going to involve the investigator here,
5 so have you -- Investigator Ghenene, have you
6 visited any of the events at this current
7 location?

8 INVESTIGATOR GHENENE: No.

9 MEMBER ALBERTI: Have you visited any
10 of the events at the M Street, the 16 M Street --
11 so you have. You're not familiar with -- all
12 right. Fine. Okay. So you're only taking
13 advantage here -- you're sort of leasing this
14 space every two weeks, is that what the deal is?

15 MR. KADLICK: It's been once a month.
16 June was their first time to do it twice, but you
17 are correct. It's been the first Saturday of
18 every month since last fall.

19 MEMBER ALBERTI: Yes, I'm looking at
20 this.

21 MR. KADLICK: Another exception, just
22 full disclosure, in January, they did one two-day

1 event, that was a Saturday and Sunday.

2 MEMBER ALBERTI: Yes, I see that.

3 MR. KADLICK: That was event-specific,
4 so it's been once Saturday a month.

5 MEMBER ALBERTI: But it looks like,
6 coming up, you've got one --

7 MR. KADLICK: They just started to do
8 two.

9 MEMBER ALBERTI: -- every two weeks.
10 Okay.

11 MR. KADLICK: And again, Mr. Alberti,
12 they had just recently asked Mr. Siegel about
13 doing it twice a month and he said sure.

14 MEMBER ALBERTI: And you expect to be
15 doing this in the future?

16 MR. SLUSHER: We'll see how it goes
17 for the summer. We may continue twice a month;
18 we may go back to once a month.

19 MEMBER ALBERTI: Okay.

20 MR. D'ANGELO: More like to peel back
21 than move forward.

22 MEMBER ALBERTI: I should have your

1 application here. Let me see if I do. You
2 generally apply for how many people? Hundred and
3 eighty?

4 MR. SLUSHER: I put 180, yes.

5 MEMBER ALBERTI: About 180. All
6 right. Do you have any problem limiting it to --
7 I mean, do you expect this to grow in size?

8 MR. SLUSHER: The history has not been
9 -- it's been pretty stable.

10 MR. KADLICK: It hasn't fluctuated
11 more than 15 people since November.

12 MEMBER ALBERTI: Okay. So you don't
13 have any expectations of like, oh, this is real
14 successful. We're going to go to 500.

15 MR. MERRILL: No, I actually was
16 concerned that when we go to twice a month our
17 attendance will drop.

18 MEMBER ALBERTI: Okay.

19 MR. MERRILL: They won't come twice a
20 month.

21 MEMBER ALBERTI: Okay. So if we said
22 to you, like, we have concerns here and we're

1 going to ask you to put a limit on this for the
2 future, you know, not increase it, this wouldn't
3 be a problem to you? I'm looking for solutions
4 here. You know, I mean, I don't know whether
5 we're going to clear you or not, but we're going
6 to have to discuss this. I mean, I don't know
7 whether we grant a license, whether we might
8 decide, well, you know, maybe we'll just have
9 them -- you know, there's all kinds of options
10 here, so don't read anything into my questions.
11 I just want to know where you guys are at.

12 MR. SLUSHER: So are you talking about
13 limiting the number of people or limiting the
14 number of events?

15 MEMBER ALBERTI: Probably both.

16 MR. SLUSHER: Okay.

17 MEMBER ALBERTI: Probably both. I
18 mean, if you guys went to once a month, my
19 recommendation would be to Mr. Silverstein, get a
20 license for the venue, but I don't know where I'm
21 at right now with what I'm seeing, twice a month
22 and the number of people, to tell you the truth.

1 I mean, I've got to think about that, but I need
2 to know from you, you know, what the parameters
3 are and that's why I'm asking my questions.

4 MR. SLUSHER: We don't anticipate, I
5 think, any great growth. No.

6 MEMBER ALBERTI: Okay. All right. I
7 have no further questions.

8 CHAIR MILLER: Mr. Short.

9 MEMBER SHORT: Yes, you have a cover
10 charge, you also have a DJ with loudspeakers?

11 MR. KADLICK: The building is
12 speakered. The building itself is speakered.

13 MEMBER SHORT: Okay. And so the
14 question has come up earlier, why do you think
15 you're any different than a lot of nightclubs
16 that do the same thing in Washington, D.C. that
17 have a liquor license?

18 MR. KADLICK: This is more of a
19 lounge. People come in, may or may not have a
20 cocktail, and they mingle.

21 MEMBER SHORT: Well, we have
22 restaurant and lounges that do the same thing.

1 Here's another thing that happens, they can be
2 regulated when they have a license. We have an
3 investigator that will go by and check the
4 license and check -- make sure that you have a
5 wholesome business. But when you have one days,
6 you don't pay the same amount of taxes. Do you
7 pay taxes on your drinks and your overhead? Do
8 you pay taxes on that?

9 MR. KADLICK: I'm the representative
10 of the building owner.

11 MEMBER SHORT: Okay. Well, let me go
12 on record as a Board Member that says, I have to
13 pay taxes and all the other businesses in this
14 have to pay taxes, and the bottom-line is, if
15 you're having 200 people, you're saying, give or
16 take, you're charging a cover head of \$20, you're
17 selling drinks, the city needs to get something
18 out of that and you need to be regulated.

19 You don't even have a number on your
20 certificate of occupancy as Mr. Alberti and
21 myself have alluded to earlier. I think it would
22 be wise to get a license, alcoholic beverage, so

1 there can be some controls and safety for you,
2 your patrons, and everything else that goes on
3 there.

4 MR. KADLICK: And if I could, Mr.
5 Short, while I agree that both in reality and
6 conceptually, the reality is that you do kind of
7 charge a premium for these one-day licenses to
8 offset some of that, and in doing so, I mean, I
9 think 12 one-day licenses over the course of a
10 year, a single alcohol license might even be less
11 expensive.

12 These guys are making application to
13 provide alcohol as a service and the current
14 building owner doesn't have that intent. Now,
15 I'm more than happy to represent to you, and I'll
16 speak to him about it, and we have had
17 conversations about it in the past, but I can't
18 let you know today what his intent is regarding
19 that.

20 MEMBER SHORT: And I wouldn't expect
21 you to do that today.

22 MR. KADLICK: Right.

1 MEMBER SHORT: But let him know the
2 questions that you received, and the bottom-line
3 is, if people, places, restaurants, and lounges,
4 and clubs have to pay their fair taxes, and then
5 we see the invoices of where they're buying
6 alcohol, how much alcohol they're buying, the
7 city has a way of, kind of, helping you regulate
8 yourselves. This is no -- there's no regulation
9 whatsoever on you.

10 You come and get a one-day license,
11 you park on our streets, you use whatever else,
12 whatever else. Now, any other place of public
13 assembly has to pay and I really think that you
14 guys should get a license too. That's just my
15 opinion as a Board Member. Thank you, Madam
16 Chair.

17 CHAIR MILLER: Yes, Mr. Alberti.

18 MEMBER ALBERTI: I have some follow-up
19 questions to that. So Mr. Short has made some
20 good points. So does your organization, is it
21 incorporated? Does it have a basic business
22 license? What's the deal? Does it have a tax

1 I.D.?

2 MR. SLUSHER: We're three friends
3 putting on a party.

4 MEMBER ALBERTI: So you're pocketing
5 the profits.

6 MR. SLUSHER: We're sharing it with
7 the business owner and, yes, we have a --

8 MEMBER ALBERTI: All right. He's got
9 a problem. I have a problem. I'm sorry. You
10 guys are running a business every two weeks. I
11 don't care whether it's social in nature, but,
12 you know, you know most of the people coming in.
13 You're running a business. I mean, I can't
14 conclude anything else, you know? You may not be
15 very profitable, but, you know, \$20 cover charge
16 and -- where do you buy your alcohol?

17 MR. SLUSHER: Costco and Barrel House.

18 MEMBER ALBERTI: All right.

19 MR. SLUSHER: Now, actually, the cover
20 charge we cover is actually less than the normal
21 entrance fee to the --

22 MR. KADLICK: And I can represent, Mr.

1 Siegel pays plenty of taxes in the city.

2 MEMBER ALBERTI: Well, I got that.

3 MR. KADLICK: And he pays taxes on his
4 portion of the income for sure.

5 MR. SLUSHER: So we actually --

6 MR. KADLICK: I mean, I'm just making
7 that as an observation.

8 MEMBER ALBERTI: Right. I understand
9 that. But we are, you know, regulators. We come
10 at it from that point of view. And, Mr. Kadlick,
11 you know that.

12 MR. KADLICK: And, Mr. Alberti, to
13 your point. I actually concur. I can see how
14 these one-day licenses don't get the scrutiny
15 that an ABC licensee has. And so again, I'll
16 commit to speaking to Mr. Siegel about it, I just
17 don't know what his intent will be.

18 MEMBER ALBERTI: All right.

19 MR. KADLICK: He's actually looked at
20 the cost of your one-day licenses and said, why
21 don't I get a license?

22 MEMBER ALBERTI: Yes, he could. He

1 could charge more for -- he could charge these
2 guys more and make -- he could charge these guys
3 300 bucks.

4 MR. KADLICK: Yes, and he doesn't have
5 to use that license every day if he chooses to.

6 MEMBER ALBERTI: Eventually, \$300. I
7 get you.

8 MR. KADLICK: Yes.

9 MEMBER ALBERTI: All right. So your
10 organization is just casual organization. It's
11 not incorporated. Who pays insurance? I mean,
12 is there insurance here?

13 MR. KADLICK: It's Mr. Siegel's
14 insurance.

15 MEMBER ALBERTI: So you use Mr.
16 Siegel's insurance. All right. Wow. Okay. I
17 don't think I have any further questions right
18 now. Thanks.

19 CHAIR MILLER: Others? I want to
20 pickup on the safety issue, because that's one of
21 my concerns about having a full license or a
22 temporary. So I think that you said that the

1 building provides plenty of security? Can you
2 tell us what that is, especially for these kind
3 of events?

4 MR. KADLICK: Well, these gentlemen
5 bring a relatively large staff on their events.
6 And to Mr. Alberti's point again, you know,
7 that's where a lot of their money goes. They're
8 not exactly making a whole bunch of money. They
9 compensate these guys and it's just kind of a
10 social event that they've been involved in for, I
11 believe, seven or eight years, although, you
12 know, two years at this previous location and six
13 or seven months here.

14 And then the building owner himself,
15 who is open all the time, has regular staff and
16 then adds a couple of personnel on the night of
17 this event. So there are clerks, there are
18 cleanup crews, there are security crews, and it
19 is a heavily cameraed facility with multiple
20 lavatories and ample ingress and egress.

21 CHAIR MILLER: How much security does
22 he provide for these events? Do you know?

1 MR. KADLICK: If we would have take
2 into consideration the eight or nine people they
3 bring and probably five on Mr. Siegel's part,
4 there's probably 12 or 13 security for a party
5 that runs, I think, the most ever is 220, so
6 you've mentioned capping it. You capped it at
7 250, I don't think they'd ever go over it, and
8 it's a plenty enough venue.

9 MEMBER ALBERTI: Just FYI, their
10 applications have been saying 180.

11 MR. KADLICK: Okay. Well, I'm saying,
12 they have 180 to 200. So he could adjust that to
13 225 or 250, but I'm just --

14 MEMBER ALBERTI: I'm sorry for that.
15 Go ahead.

16 MR. KADLICK: No, no, I respect it.
17 Again, I'm trying to cooperate too.

18 CHAIR MILLER: And what goes on in the
19 building at other times?

20 MR. KADLICK: Well, this is their
21 private event when these guys are there.

22 CHAIR MILLER: Right. But what is the

1 building used for?

2 MR. KADLICK: The building is a
3 licensed registered art gallery in the District
4 of Columbia, and is also a health spa, and also
5 has been in business, although at this location,
6 since probably 2010, it was through the -- with
7 the advent of eminent domain, had been in the O
8 Street area for 30-something years.

9 CHAIR MILLER: Okay. Good. Other
10 questions?

11 MEMBER ALBERTI: Yes, I just, real
12 quick, with Investigator Ghenene, and, well, your
13 supervisor's there too. So both of you can --
14 well, either one of you can answer this.

15 MR. KADLICK: I'm sorry. Mr. Alberti,
16 I can't hear you at all.

17 MEMBER ALBERTI: Oh, I'm sorry. I'm
18 going to ask the investigator staff that's here,
19 Mr. Ghenene and would you introduce yourself?

20 MR. GETHERS: Supervisory Investigator
21 Keith Gethers.

22 MEMBER ALBERTI: Yes, thank you,

1 Investigator Gethers. So just in fairness to
2 everybody, you guys have been doing this for at
3 least a year at the M Street location and here.
4 To my recollection, has there been cause for
5 investigations of any of the events that these --
6 for the licenses these folks have applied for, to
7 your knowledge?

8 INVESTIGATOR GHENENE: Can you define
9 cause?

10 MEMBER ALBERTI: Well, have you been
11 called out to investigate?

12 INVESTIGATOR GHENENE: Not that I'm
13 aware of, no.

14 MEMBER ALBERTI: Has your supervisor
15 assigned you to investigate this location?

16 INVESTIGATOR GHENENE: No.

17 MEMBER ALBERTI: Have you gotten
18 complaints, that you know of?

19 INVESTIGATOR GHENENE: Not that I'm
20 aware of, no.

21 MEMBER ALBERTI: All right. I just
22 want to clear the air and make sure we

1 understand. Great. Thank you.

2 MR. KADLICK: One other observation,
3 and I do only say this in support of their
4 application, also with the recommendation from
5 last fall when these conversations began, we
6 recommended that they get an ABC manager, and
7 they did. They went out and got a licensed ABC
8 manager who studied, took the test, passed, and
9 has his license in his pocket, and is there,
10 certainly, from 7 o'clock to 2 o'clock in the
11 morning, 3 o'clock in the morning, and hasn't
12 missed an event.

13 So they even did that, and because we
14 weren't sure, they were operating under another
15 licensee's license in the past, so we wanted them
16 to have some understanding of the basic rules
17 themselves, and they did go and do that, so I
18 only point that out to further enhance that.

19 MEMBER ALBERTI: That is excellent
20 advice, Mr. Kadlick.

21 MR. KADLICK: Well, it was.

22 MEMBER SHORT: Madam Chair?

1 CHAIR MILLER: Yes. Okay.

2 MEMBER SHORT: You also mentioned your
3 security. Are any of those persons trained
4 specifically to deal with public assembly and
5 people drinking?

6 MR. KADLICK: I don't believe so
7 directly. I believe one or two of Mr. Siegel's
8 employees might have gone through -- a very good
9 friend of Mr. Siegel's, recently deceased, Skip
10 Coburn, used to run training classes, or
11 facilitate training classes, and I believe Mr.
12 Siegel had a few employees of his over the years
13 go to those classes, but I don't believe there's
14 anyone there that I would regard as a trained
15 security guard, and there's absolutely no
16 weapons, or arms, or anything like that.

17 MEMBER SHORT: I do understand that.
18 There's always that one time.

19 MR. KADLICK: Oh, I agree.

20 MEMBER SHORT: And again, if you're
21 trained in public safety security, it's a little
22 different than doing a warehouse or doing a spa,

1 because when you have large groups of people
2 drinking alcohol --

3 MR. KADLICK: I would represent to you
4 the greatest likelihood is no one has that
5 training as far as in the due course of events.
6 I don't want to represent that they do.

7 MEMBER SHORT: Okay. Well, if I had
8 the average nightclub owner or restaurant owner,
9 they would say the same thing you're saying.
10 Nobody ever thinks it's going to happen to them.
11 And when it does and they're not prepared, then
12 they come before us, or they come before some
13 other city body, and then they're -- so what we
14 do to protect you and to protect the city, giving
15 you these one days without having all of those
16 things in place, we're putting the city in
17 jeopardy.

18 So I would like to think that there's
19 going to be something changing because this time
20 next year, one days, this establishment, as far
21 as I'm concerned, it's going to be relevant. I
22 don't think that they'll be good for you or good

1 for the city. Do you have any comments on that?

2 MR. KADLICK: I mean, my own
3 perspective is that we pursue -- if Mr. Siegel
4 made a decision to pursue an alcohol beverage
5 license, security and security plan, which would
6 be required to be submitted, would be further
7 enhanced. Again, it is a heavily cameraed place
8 and Mr. Siegel himself has got many, many years
9 of bar experience in this city.

10 Hasn't been an active licensee for a
11 period of time, but had a number of places in the
12 '70s and '80s that had liquor licenses, so I
13 certainly respect your comments. And my only
14 observation, again, would be, if he pursues a
15 full-time liquor license, he is a very competent,
16 successful business guy and he will put in place
17 those things necessary to enhance that decision.

18 MEMBER SHORT: Thank you very much.

19 CHAIR MILLER: Okay. Thank you. One
20 more question, I guess, because I think we need
21 to get to the other -- we need to get to the next
22 case too. Yes.

1 MEMBER RODRIGUEZ: What burden would
2 a license pose to you at this time?

3 MR. KADLICK: I'm sorry, sir?

4 MEMBER RODRIGUEZ: What burden would
5 a license pose to you at this time?

6 MR. KADLICK: To the building owner?

7 MEMBER RODRIGUEZ: To you all.

8 MR. KADLICK: I don't know that he'd
9 be burdened by it. Maybe some more recording
10 facilities, some accounting, he'd have to,
11 probably, maintain invoices, different things
12 that he doesn't do right now in the course of his
13 business, and there might be some expense to
14 that, especially if he didn't utilize that
15 license other than for this event, he would
16 probably eat into what little profit is being
17 made.

18 These guys came to him, no disrespect,
19 but kind of hat-in-hand looking for a place to
20 hold their monthly event, and he accommodated
21 them because he's always tried to accommodate
22 people who run activities in the gay community,

1 and that was his, essentially, motivation. And
2 so, you know, is he burdened by a license? I
3 don't know. Again, he's had that experience in
4 the past. He has been a licensee in the '70s and
5 '80s, and he's certainly familiar with my affairs
6 and knows the burdens of licensing, so he's aware
7 of that.

8 MEMBER RODRIGUEZ: What risk would not
9 having a license pose to you?

10 MR. KADLICK: I don't believe Mr.
11 Siegel has got any risk that he's not insured
12 for, and at the end of the day, again, these guys
13 are fine gentlemen, but liability runs to the
14 deepest pockets, and I think Mr. Siegel can
15 handle anything that might happen at 2120 West
16 Virginia Avenue.

17 CHAIR MILLER: Okay. All right. So
18 anyway, I have found this hearing very
19 informative and I appreciate your explaining
20 everything to us and I think that the Board, you
21 know, will be considering whether or not to
22 continue issuing temporary licenses, or what, and

1 we'll let you know, you know, if --

2 MR. KADLICK: In closing, Madam

3 Chairman --

4 CHAIR MILLER: What?

5 MR. KADLICK: In closing, I hope that
6 you at least move forward on the applications in
7 front of you because it's a publicized event, but
8 more specific, I will commit to this Board, and
9 I've made commitments to this Board in the past,
10 I will commit to this Board to pursue the CO and
11 I will absolutely commit to this Board to speak
12 to Mr. Siegel regarding becoming an ABRA
13 licensee.

14 CHAIR MILLER: Okay.

15 MR. KADLICK: The CO will be handled
16 in the next 30 days. The licensee decision is,
17 frankly, on him.

18 CHAIR MILLER: Okay. If you could
19 report to us, like, in writing, then it would be
20 good to get --

21 MR. KADLICK: Yes, and again, the CO,
22 I just figured -- I don't know, they might have

1 to do an inspection and do some other stuff, I
2 don't know that process. I'll certainly find
3 out.

4 MEMBER ALBERTI: It will take time.

5 MR. KADLICK: I don't expect that
6 it'll be done by Saturday, so I don't want to
7 adversely affect your vote regarding their
8 application.

9 CHAIR MILLER: Correct.

10 MEMBER ALBERTI: Madam Chair,
11 actually, I'd like to recommend to this Board
12 that we go ahead and commit to approving the four
13 applications that are before us.

14 CHAIR MILLER: That's fine.

15 MEMBER ALBERTI: And then we can take
16 this under advisement and --

17 CHAIR MILLER: Good.

18 MR. KADLICK: That's fair.

19 MEMBER ALBERTI: -- communicate any
20 advise and concerns, any requirements that we
21 have, going forward.

22 CHAIR MILLER: No, that's good. I was

1 going to suggest that as well. I think they're
2 two, kind of, separate issues. One of the
3 specific ones and then the generic question. Mr.
4 Ghenene, did you have a --

5 INVESTIGATOR GHENENE: Yes, just two
6 quick questions.

7 CHAIR MILLER: Okay.

8 INVESTIGATOR GHENENE: The man
9 representing the property owner has said a couple
10 of times that the building has cameras throughout
11 and I wanted to know what was the recording
12 ability of those DVRs?

13 MR. KADLICK: I believe it's pretty
14 high capacity. I believe it's seven days.

15 INVESTIGATOR GHENENE: Seven days?

16 MR. KADLICK: We actually, having
17 nothing to do with alcohol, there was an incident
18 there six or seven months ago and the
19 Metropolitan Police Department did come in a few
20 days later and get the video, and it exonerated
21 the club and Mr. Siegel completely, and it was
22 good that they were there, but he's always been a

1 fairly cautious gentleman in that regard.

2 I absolutely believe it's seven days.

3 It might be more. I can commit that it's at

4 least a seven-day video. I think it's more.

5 INVESTIGATOR GHENENE: And

6 approximately how many cameras is it?

7 MR. KADLICK: I want to say 18.

8 INVESTIGATOR GHENENE: Eighteen.

9 MR. KADLICK: But it's definitely in
10 the mid to high teens. There's lots of them. I
11 mean, I didn't put the security system in, but
12 it's in the high teens.

13 INVESTIGATOR GHENENE: Sure. And if
14 the Board or an investigator needed to request
15 video, that wouldn't be an issue?

16 MR. KADLICK: Not an issue.

17 INVESTIGATOR GHENENE: Okay.

18 MR. KADLICK: You're welcome to come
19 in have a seat and watch too.

20 INVESTIGATOR GHENENE: Okay. The
21 second question I have, actually, that's kind of
22 my second question was, given if you do receive

1 these licenses, I just want to make sure that the
2 people in charge understand that ABRA
3 investigators should not be kept outside or not
4 granted access.

5 MR. KADLICK: As a courtesy to Mr.
6 Siegel, I have been present during these events
7 to make sure of that, and that's why they have an
8 ABC manager, and everything is in order.

9 INVESTIGATOR GHENENE: Okay.

10 MR. KADLICK: But I respect your
11 comment again, but I go there as a courtesy to
12 Mr. Siegel to make sure we don't have incidents.

13 INVESTIGATOR GHENENE: I just want to
14 make sure that message is passed throughout,
15 especially with whoever is at the booth.

16 MR. MERRILL: You know, we do our best
17 to run, you know, a fully legal, fully compliant
18 operation. If there's anywhere you find us
19 lacking when it comes to security or anything, we
20 will be happy to do whatever you feel we need to
21 do.

22 INVESTIGATOR GHENENE: Okay.

1 MR. MERRILL: You know, but it's our
2 contention and our desire to run a fully
3 compliant, fully legal -- if you find anywhere
4 we're lacking, we'd be happy to come up with a
5 solution for that.

6 CHAIR MILLER: Okay. Just a
7 curiosity, do you have a diagram of where your
8 security cameras are?

9 MR. KADLICK: We brought some for all
10 the Board Members to see.

11 CHAIR MILLER: Just in case we asked?

12 MR. KADLICK: Oh, not where the
13 cameras are. I don't have where the cameras are.

14 CHAIR MILLER: Oh.

15 MR. KADLICK: It's heavily cameraed.

16 CHAIR MILLER: It's heavily cameraed.

17 MR. KADLICK: It is heavily cameraed.

18 CHAIR MILLER: Inside, outside.

19 MR. SLUSHER: If you want to see a
20 more detailed diagram, we can get it.

21 MR. KADLICK: And also, Madam
22 Chairman, to your point --

1 CHAIR MILLER: One at a time.

2 MR. KADLICK: -- it is cameraed in the
3 parking lot, it is cameraed in the exterior, and
4 it is cameraed to the street. It's a heavily
5 cameraed facility.

6 CHAIR MILLER: Okay. Good. If you
7 have something you want to submit to us.

8 MR. KADLICK: It's really not germane
9 to the -- I mean, he could submit them, but it's
10 not germane to any of your questions that have
11 been answered and addressed.

12 CHAIR MILLER: It's a detailed diagram
13 of the layout?

14 MR. D'ANGELO: It's schematic of the
15 layout, where we have the bar, where the
16 emergency exits are, and --

17 CHAIR MILLER: Okay.

18 MR. MERRILL: There was a series of
19 question pertaining to the layout, so we
20 indicated them all on the diagram to answer your
21 questions.

22 MEMBER ALBERTI: I think we've said

1 that the investigator will get a copy and he'll
2 make sure we get a copy.

3 CHAIR MILLER: Okay. I think we need
4 to wrap this up. Oh, Mr. Silverstein, you have
5 one more?

6 MEMBER SILVERSTEIN: Yes. I want to
7 thank you all for coming. I strongly concur with
8 the opinions of the Chair and my colleague, Mr.
9 Alberti. I've just signed the one days and we
10 are haunted by the tragedies that have occurred
11 in the past regarding fire, Mr. Short and I,
12 especially for --

13 MR. KADLICK: And I'm aware of the
14 events you make reference to.

15 MEMBER SILVERSTEIN: And this is
16 simply a matter of making this thing more
17 regular, more predictable, and hopefully Mr.
18 Siegel will move forward on the licensing matter
19 so that you guys have been doing these events and
20 there's never been a problem. Let's just make
21 sure that there isn't in the future and that we
22 can move forward that way.

1 MR. SLUSHER: Thank you very much.

2 MR. KADLICK: Thank you, Madam

3 Chairman; Board Members.

4 CHAIR MILLER: So wait, we either got
5 to vote -- well, you need the back and I think we
6 might as well just vote on the record too, so I
7 would move approval of --

8 MEMBER ALBERTI: Well, we usually vote
9 on the record for the licensees, these, we just
10 sign them.

11 CHAIR MILLER: Okay. Never mind. You
12 get it signed. Don't look for it in the
13 transcript. Okay. Thank you. Have a great
14 event and good luck today. All right. So where
15 is Mr. Jones?

16 (Whereupon, the hearing in the above-
17 entitled matter was concluded at 12:18 p.m.)
18
19
20
21
22

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